

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KINSALE INSURANCE COMPANY, a
foreign insurer.

Plaintiff,

v.

EVOLUTION SIDE, LLC, a Washington
limited liability company and construction
contractor; and LAER ENTERPRISES INC., a
Washington corporation and construction
contractor, KENTON SCHUMACHER, a
Washington resident; MADALYN HORN, a
Washington resident; JENNIFER LALLY, a
Washington resident; BRANDON &
MICHELLE CONNOR, Washington residents;
MIKE NETTEKOVEN, a Washington resident;
NOAH MANN, a Washington resident;
STACEY MCGEATH, a Washington resident;
JENNIFER ELLSWORTH-BOESL, a
Washington resident; STORM WENDT, a
Washington resident; DAVID BALDWIN, a
Washington resident; TROY RUNNER, a
Washington resident; TRAVIS REANO, a
Washington resident; DEREK TULLUCK, a
Washington resident; RHONDA AND JEFF
SAWYER, Washington residents; JENNIFER
BROADBENT, a Washington resident; ALI
JONES & JULIO VALDEZ, Washington
residents; JOHN KENNEDY, a Washington

No. 2:23-cv-00065-RSM

**ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AGAINST
HOMEOWNER DEFENDANTS**

1 resident; ALEX CORRAL AND KELSIE
 2 TROTINGNON, a Washington resident;
 3 RICKY & MADISON HALL, Washington
 4 residents; LARRY PAGUE, a Washington
 5 resident; JULIE ACHESON, a Washington
 6 resident; STEPHEN HANNAN, a Washington
 7 resident; ANNIE NAHON, a Washington
 8 resident; TEMASWATI JOHNSTON, a
 9 Washington resident; AMIR MOUSA VI, a
 10 Washington resident; TYLER GOLD, a
 11 Washington resident; NOEL TEVES, a
 12 Washington resident; TERESA RODMAN, a
 13 Washington resident; IVAN NGAUAMO, a
 14 Washington resident; ANDREW & DIANE
 15 MORTAGNE, Washington residents; BRIAN
 16 HELLESTO, a Washington resident;
 17 VERNON BRANCO, a Washington resident;
 18 JOSHUA & JOHANNA SUMMERS,
 19 Washington residents; RON BOCCA, a
 20 Washington resident; KELLY ROBINSON, a
 21 Washington resident; KEN CUNNINGHAM, a
 22 Washington resident; PATRICK BROOKE, a
 23 Washington resident; NATE MOWRY, a
 Washington resident; TREVOR ANDERSON,
 a Washington resident; DEBRA SILVER, a
 Washington resident; TODD GRIFFEN, a
 Washington resident; GARY MAGREEHAN, a
 Washington resident; KRISTEN & ALEX
 HALL, Washington residents; CALEB
 HARRIS, a Washington resident; KIERAN
 HUNT, a Washington resident; LINDSEY
 CALDERWOOD, a Washington resident;
 CATHY KOMBOL, a Washington resident;
 REBEKAH ENGEBO, a Washington resident;
 GABRIELLA MANCILLA, a Washington
 resident; BRIAN AND ANISSA REGO,
 Washington residents; KATIE MIKESELL, a
 Washington resident; TROY SALISBURY &
 JESSICA MATIAS, Washington residents;
 GREG & TIFFANY HOPKINS, Washington
 residents; RENE LOPEZ RIVERA, a
 Washington resident; ETHAN
 SCHIERENBECK, a Washington resident;
 JUDY PRENOVOST, a Washington resident;

1 ALYSSA MERCER, a Washington resident;
 2 SETH & CASSIE POHLMAN, Washington
 3 residents; TANYA EVANS, a Washington
 4 resident; ADAM POHLMAN, a Washington
 5 resident; ARDEN BARDEN, a Washington
 6 resident; IRIS PALLER-MILNE, a Washington
 7 resident; JEFF & KATHERINE POTASKY,
 8 Washington residents; RYAN HILDEBRAND,
 9 a Washington resident; MIKE & SANDY
 10 O'HARA, Washington residents;

11 Defendants.

12 This matter came before the Court on Plaintiff Kinsale Insurance Company's (Kinsale)
 13 Motion for Default Judgment against Defendants Evolution Side, LLC (Evolution Side) and Laer
 14 Enterprises, Inc. (Laer) (hereinafter collectively "Defaulted Defendants"). This Court, having
 15 considered the motion and all supporting documents, hereby GRANTS the Motion for Default
 16 Judgment and enters Default Judgment against Defaulted Defendants as follows:

17 Defaulted Defendants are not entitled to any coverage pursuant to the terms and
 18 conditions of the following policies of insurance issued to Evolution Side by Kinsale:

- 19 • No. 0100093333-0 (effective 08/07/2019 - 08/07/2020)
- 20 • No. 0100093333-1 (effective 08/07/2020 - 08/07/2021)
- 21 • No. 0100093333-2 (effective 08/07/2021 - 08/07/2022)

22 for any and all claims for damages associated with the claims asserted against them and/or arising
 23 out of the Suntop Farm Project which were or could have been raised in the matter entitled *Laer Enterprises, Inc. v. General Enterprise, Inc., et al.*, King County Superior Court Cause No. 21-2-10435-1 SEA. Kinsale owes no defense or indemnity obligations under the foregoing policies

for any claims associated with or arising out of the Suntop Farms Project. The claimants¹ are hereby bound to this Default Judgment

IT IS SO ORDERED.

DATED this 6th day of July, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

LEATHER LAW GROUP

/s/ Thomas Lether

Thomas Lether, WSBA #18089

/s/ Ellen McGraw

Ellen McGraw, WSBA #60240

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Counsel for Kinsale Insurance Company

¹ “Underlying claimants” collectively refers to Kenton Schumacher, Mike Nettekoven, Madalyn Horn, Stacey McGeath, Jennifer Lally, Jennifer Ellsworth-Boesl, Brandon Connor, Noah Mann, Michelle Connor, Storm Wendt, David Baldwin, Troy Runner, Travis Reano, Derek Tulluck, Rhonda Sawyer, Jeff Sawyer, Jennifer Broadbent, Ali Jones, Julio Valdez, John Kennedy, Alex Corral, Kelsie Trotignon, Ricky Hall, Madison Hall, Larry Pague, Julie Acheson, Stephen Hannan, Annie Nahon, Temaswati Johnston, Amir Mousa IV, Tyler Gold, Teresa Rodman, Ivan Ngauamo, Andrew Mortagne, Diane Mortagne, Brian Hellesto, Janai Hellesto, Vernon Branco, Joshua Summers, Johanna Summers, Ron Bocca, Kelly Robinson, Ken Cunningham, Patrick Brooke, Nate Mowry, Trevor Anderson, Debra Silver, Tod Griffen, Gary Magreehan, Kristen Hall, Alex Hall, Caleb Harris, Kieran Hunt, Lindsey Calderwood, Cathy Kombol, Rebekah Engebo, Gabriella Mancilla, Brian Rego, Anissa Rego, Katie Mikesell, Troy Salisbury, Jessica Matias, Greg Hopkins, Tiffany Hopkins, Rene Lopez Rivera, Ethan Schierenbeck, Judy Prenovost, Alyssa Mercer, Seth Pohlman, Cassie Pohlman, Tanya Evans, Adam Pohlman, Arden Barden, Iris Paller-Milne, Jeff Potasky, Katherine Potasky, Ryan Hildebrand, Mike O’Hara, Sandy O’Hara